

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 14-2783 JB

THOMAS R. RODELLA,

Defendant.

and,

LOS ALAMOS NATIONAL BANK
AND ITS SUCCESSORS OR ASSIGNS,

Garnishee.

STIPULATED ORDER OF PARTIAL GARNISHMENT AND STAY

This matter is before the Court on the Joint Motion for Partial Garnishment and Stay.

[Doc. 229]. The Court finds as follows:

A Writ of Garnishment has been duly issued and served upon the Garnishee Los Alamos National Bank (LANB). [Docs. 219, 220]. Pursuant to the Writ of Garnishment, LANB filed an Amended Answer to the Writ on June 19, 2015 [Doc 225], identifying eight bank accounts in its custody or under its control owned by the Defendant jointly or solely. These accounts are as follows: two checking accounts in the amounts of \$303.19 and \$651.87, three savings accounts in the amounts of \$196.64, \$3,054.66, and \$159.66, and three Certificates of Deposit in the amounts of \$70,032.09, \$15,082.31, and \$35,639.97, totaling \$125,120.39, for the period ending June 16, 2015. [Doc. 223, p.3]. LANB claimed an exemption for the CD valued at \$70,033.09

on the ground that it “is pledged as collateral for loans.” [*Id.*].

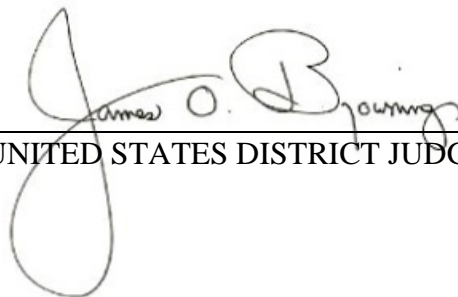
On July 8, 2015, the United States filed an objection to the claim of exemption contained in the Amended Answer and requested a hearing pursuant to 28 U.S.C. § 3205(c)(5). [Doc 226]. Defendant Rodella filed a Response to Government’s Objection on July 24, 2015 [Doc 227]. In the response, Defendant requested a stay of the garnishment proceeding as to the \$70,032.09 CD pending appeal of his convictions to the Tenth Circuit Court of Appeals because that CD secures letters of credit for Debbie Rodella’s bail bonding business. [*Id.* at 2].

The parties have agreed to entry of an order directing garnishment of all accounts other than the CD containing \$70,032.09. The parties have further agreed that stay of the garnishment action as to the CD containing \$70,032.09 is appropriate pending the decision of Rodella’s appeal in the Tenth Circuit.

IT IS THEREFORE ADJUDGED AND ORDERED that Garnishee LANB pay the sum of \$55,088.30, plus accrued interest, to Plaintiff.

Please make check payable to: Clerk, U.S. District Court, District of New Mexico, Court No: 14-CR-2783 JOB/Thomas Rodella, and mail to: 333 Lomas Boulevard NW, Suite 270, Albuquerque, New Mexico 87102.

IT IS FURTHER ORDERED that this garnishment proceeding is stayed as to the CD containing \$70,032.09 pending the Tenth Circuit’s decision of Defendant Rodella’s appeal.


UNITED STATES DISTRICT JUDGE

Submitted by:

DAMON P. MARTINEZ

United States Attorney
District of New Mexico

Electronically Submitted on 08/20/15

STEPHEN R. KOTZ
Assistant U.S. Attorney
P.O. Box 607
Albuquerque, NM 87102
(505) 346-7274

Approved and Agreed:

Approved via telephone on 08/19/15

JOHN D. CLINE, ESQ.
Law Office of John D. Cline
Attorneys for Defendant Thomas Rodella
235 Montgomery Street, Suite 1070
San Francisco, CA 94104
(415) 322-8319